

Immediate Actions

September 10, 2007

1. Improve collaboration and information sharing with the private sector to improve the safety of imports.

A wide range of products that could potentially threaten the health and safety of U.S. consumers are imported every day. Due to the vast volume of imported products, it is impossible to ensure safety simply by increasing government inspections. Rather, engagement with the importing community must be enhanced to gain insights from the owners and operators of the commercial import infrastructure through which all imported products reach American consumers, and to share best practices among this community.

To conduct this outreach and improve collaboration with the importing community, the agencies should expand on existing public-private relationships, such as COAC (Commercial Operations Advisory Committee), TSN (Trade Support Network), F&ASCC (Food and Agriculture Sector Coordinating Council), ITACs and ATACs (Industrial Trade and Agricultural Trade Advisory Committees), and other groups, to seek and share the importing community's recommendations and best practices with the objective of enhancing import safety and promoting comprehensive supply chain verification.

Recommendations for implementation of this action will be included in the Working Group's forthcoming Action Plan.

2. Interoperability Acceleration – Instruct Executive Agencies to Complete Their Identification of Technical, Business and Legal Requirements for Operating Within the Automated Commercial Environment/International Trade Data System.

The Security and Accountability for Every ("SAFE") Port Act of 2006 requires all Federal agencies that license, permit, or certify imported products to participate in the International Trade Data System (ITDS), a "single-window" system for reporting imports and exports electronically. ITDS will operate as a feature of U.S. Customs and Border Protection's (CBP) trade data processing system called the Automated Commercial Environment (ACE), which is currently under development. Functional capabilities within ACE are being implemented in stages, with full operability expected in 2009. Currently, 34 Federal agencies, referred to as Participating Government Agencies (PGAs), are at varying stages in integrating into ITDS.

In order to accelerate implementation of ITDS, the Office of Management and Budget should issue a directive to PGAs requiring that within 60 days of the directive they establish or refine their Implementation Plan setting deadlines for developing, reviewing and finalizing conceptual operating plans (Concept of Operations), memoranda of understanding for the ITDS interface, and a set of technical and business requirements for identifying any program and system modifications needed to support the interface. This would include considerations for the budget process. OMB should give special priority to import safety agencies for this task in the budget process.

Further, in order to accelerate implementation of ITDS, the Office of Management and Budget should direct that CBP, within 60 days, establish or refine its Implementation Plan setting deadlines to:

- Include information currently reported by importers and carriers to CBP in the ACE Data Warehouse, where it can be accessed by other agencies.

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- Advise other agencies with an import safety mission how they can take full advantage of current ITDS capabilities and deepen their engagement in ITDS development.
- Implement World Customs Organization Data Model messages (new international standard for customs reporting), which could provide a platform for electronic reporting of health and safety information in advance of the current ITDS production schedule.

In addition, all PGAs are instructed to:

- Within their fiscal year 2009 budget submissions, identify the budgetary resources needed to support the ACE/ITDS interface.
- Within 60 days, designate a senior executive responsible for implementing the ACE/ITDS interface.

Participating Government Agencies (PGAs)

- AMS - Agricultural Marketing Service (Agriculture)*
- APHIS - Animal and Plant Health Inspection Service (Agriculture)*
- ATF - Bureau of Alcohol, Tobacco, Firearms and Explosives (Justice)*
- BIS - Bureau of Industry and Security (Commerce)
- BLS - Bureau of Labor Statistics (Labor)
- BTS - Bureau of Transportation Statistics (Transportation)
- CDC - Center for Disease Control (Health and Human Services)*
- Census - U.S. Census Bureau (Commerce)
- CPSC - Consumer Product Safety Commission*
- DEA - Drug Enforcement Administration (Justice)*
- EPA - Environmental Protection Agency*
- FAA - Federal Aviation Administration (Transportation)*
- FAS - Foreign Agricultural Services (Agriculture)
- FCC - Federal Communications Commission*
- FDA - Food and Drug Administration (Health and Human Services)*
- FMC - Federal Maritime Commission
- FMCSA - Federal Motor Carrier Safety Administration (Transportation)*
- FSIS - Food Safety and Inspection Service (Agriculture)*
- FTZB - Foreign Trade Zones Board (Commerce)
- FWS - Fish and Wildlife Service (Interior)*
- GIPSA - Grain Inspection, Packers and Stockyards Administration (Agriculture)
- IA - International Trade Administration-Import Administration (Commerce)
- IRS - Internal Revenue Service (Treasury)
- ITC - International Trade Commission
- MARAD - Maritime Administration (Transportation)
- NHTSA - National Highway Traffic Safety Administration (Transportation)*
- NMFS - National Oceanic Atmospheric Administration / National Marine Fisheries Service, Office for Law Enforcement (Commerce)*
- NRC - Nuclear Regulatory Commission*
- OFAC - Office of Foreign Assets Control (Treasury)
- OFE - Office of Fossil Energy (Energy)
- OFM - Office of Foreign Missions (State)
- State - Logistics Management (State)
- TTB - Alcohol and Tobacco Tax and Trade Bureau (Treasury)*
- USACE - Army Corps of Engineers (Defense)

*Agencies designated by the Board of ITDS as import safety agencies due to their roles in licensing, certifying, and permitting import shipments.

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3. Global Collaboration – Instruct agencies to develop and increase international cooperation and collaboration.

The Department of State (State) has contacted host governments in 39 countries that are top exporters of food and consumer products to the United States to seek information on how various countries handle import safety issues.. In the coming weeks, State, the Office of the United States Trade Representative (USTR), and other interested agencies will analyze the responses to these inquiries and meet to determine appropriate next steps.

As part of these next steps, State and USTR should coordinate with other Working Group members to determine whether appropriate international and regional organizations could be helpful in hosting international conferences or other actions to promote product safety, in order to generate high-level global attention to a worldwide problem. Such events could provide a forum to exchange information on effective product safety practices, identify opportunities for regulatory capacity building, and promote science-based regulation, consistent with U.S. law and our international obligations.

Recommendations for implementation of this action will be included in the Working Group's forthcoming Action Plan.

4. Agreements with Foreign Governments – Instruct agencies to catalog on-going and planned import safety-related agreements (bilateral and multilateral) with foreign governments. In addition, require agencies to meet within 45 days and then on a regular basis to discuss negotiations underway or that are anticipated and share lessons learned.

Various U.S. government agencies work with foreign governments to conclude and implement bilateral and multilateral agreements to improve import safety. In many cases, the agency that has expertise in a particular facet of import safety takes the lead in the negotiations. The resulting agreements, however, may affect the jurisdiction, operations, and resources of other agencies. Therefore, coordination among all the relevant agencies is necessary to ensure that all such agreements are as effective as possible and can be fully implemented.

Currently, coordination procedures vary depending on the nature of the agreement. Despite the various existing means for coordination, interagency work on import safety negotiations with foreign governments can be improved. In particular, efforts should be made to increase interagency awareness of agencies' ongoing and planned discussions with foreign governments regarding import safety agreements. In addition, the current coordination processes should be modified to provide a forum for agencies to share successful strategies and approaches with other agencies that could benefit from their experiences. Earlier and improved coordination will help ensure that agreements fully benefit from relevant agencies' experiences, avoid duplicative or counterproductive efforts, and generally improve the negotiating position of the U.S. government.

To this end, as an immediate action, agencies should be required to catalog ongoing and planned discussions with foreign governments regarding import safety. Until the Action Plan is issued, the Department of Commerce should host regular advisory meetings for these agencies to share information about their efforts, experiences and concerns. This process is not a review and would in no way supplant or delay the TPSC and C-175 processes, or any other on-going relevant inter-agency process. International cooperation regarding law enforcement or other similar activities would not be subject to these meetings.